

**Sim, Lowman, Ashton & McKay LLP**  
Barristers & Solicitors

**Sim & McBurney**  
Patent & Trade Mark Agents

6<sup>th</sup> Floor, 330 University Avenue  
Toronto, Ontario, Canada M5G 1R7

**Tel. (416) 595-1155 • Fax (416) 595-1163**

**RECEIVED**  
**CENTRAL FAX CENTER**

**DEC 13 2005**

**DATE: December 13, 2005**

**Your Ref: 09/762,765**

**Our Ref: 1811-228 MIS:ah**

TO:	FAX #	PHONE #
The United States Patent Office	571-273-8300	

Total Number of Pages (Including This Page): 15

**FROM: Michael I. Stewart / 416-849-8400**

**COMMENTS:**

We are transmitting from a Xerox Telecopier 7033, 7020 or Workcentre Pro 745 – Group 3 which are compatible with Groups 1 and 2 and fully automatic on a 24 hour basis. If any part of this message is received poorly or missing please call the telecopier operator immediately at (416) 595-1155.

### **Confidentiality Notice**

This message is intended only for the use of the individual person or entity to which it is addresses and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or the agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosing, copying, distributing or the taking of any action in reliance on the contents of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (call collect) and return the original message to us at the above address via the postal service. Thank you.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/762,765	<b>RECEIVED CENTRAL FAX CENTER DEC 13 2005</b>
	Filing Date	May 1, 2001	
	First Named Inventor	Costas Tzoganakis	
	Art Unit	1713	
	Examiner Name	Fred M. Teskin	
Total Number of Pages in This Submission	14	Attorney Docket Number	1811-228 MJS:ah

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Withdraw Holding of Abandonment Copy of Amendment and copy of Transmittal form.
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sim & McBurney		
Signature	<i>Michael I. Stewart</i>		
Printed name	Michael I. Stewart		
Date	December 13, 2005	Reg. No.	24,973

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Michael I. Stewart</i>	Date	Dec. 13/05
Typed or printed name	Michael I. Stewart		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED  
CENTRAL FAX CENTER****DEC 13 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Confirmation No.: 7506

Appl'n. No. : 09/762,765  
Applicant : Costas Tzoganakis, et al.  
Filed : May 1, 2001  
Title : MELT PHASE HYDROSILYLATION OF POLYPROPYLENE  
Grp./A.U. : 1713  
Examiner : Fred M. Teskin  
Docket No. : 1811-228 MIS/ah  
Date : December 13, 2005

**BY FACSIMILE** (703) 872-9306

Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
U.S.A.

Attention: Group Director  
Group 1700

**Petition to Withdraw Holding of Abandonment**

A Notice of Abandonment has been received dated November 25, 2005. The Notice of Abandonment indicates that the application stands abandoned for failure to respond in timely manner to the Office Action of April 28, 2005.

This is incorrect. An Amendment responsive to the Office Action was transmitted to the Office by facsimile on July 15, 2005. Our records show that the facsimile transmission was successful and hence it should be presumed that the Amendment was received in the PTO and perhaps mislaid.

In support of this Petition, enclosed herewith are:


The transmittal form and Amendment as transmitted to the PTO and a copy of our facsimile confirmation report showing receipt of all eleven pages of the transmission by the PTO.

Application No. 09/762,765  
Amdt. dated December 13, 2005  
Reply to Office Action of November 25, 2005

2

Under the circumstances, it is submitted that the Notice of Abandonment should be rescinded and the application returned to pending status.

Respectfully submitted,

  
\_\_\_\_\_  
Michael I. Stewart  
Reg. No. 24,973

Toronto, Ontario, Canada,  
(416) 849-8400  
FAX No. (416) 595-1163

## Confirmation Report - Memory Send

Page : 001  
 Date & Time: Jul-15-05 07:59am  
 Line 1 :  
 Line 2 :  
 Machine ID : SIMBAS

Job number : 525  
 Date : Jul-15 07:56am  
 To : 00101811\*228015712738300  
 Number of pages : 011  
 Start time : Jul-15 07:56am  
 End time : Jul-15 07:59am  
 Pages sent : 011  
 Status : OK

Job number : 525

\*\*\* SEND SUCCESSFUL \*\*\*

**Sim, Hughes, Ashton & McKay LLP**  
 Barristers & Solicitors

**Sim & McBurney**  
 Patent & Trade Mark Agents

6<sup>th</sup> Floor, 330 University Avenue  
 Toronto, Ontario, Canada M5G 1R7

Tel. (416) 595-1155 • Fax (416) 595-1163

DATE: July 15, 2005  
 Your Ref: 09/762,676

Our Ref: 1811-228 MIS:ah

TO:	FAX #	PHONE #
The United States Patent Office	671-273-8300	

Total Number of Pages (including This Page): 12 11

FROM: Michael I. Stewart / 239

COMMENTS:

We are transmitting from a Xerox Telecopier 7033, 7020 or Workcentre Pro 745 - Group 3 which are compatible with Groups 1 and 2 and fully automatic on a 24 hour basis. If any part of this message is received poorly or missing please call the telecopier operator immediately at (416) 595-1165.

### Confidentiality Notice

This message is intended only for the use of the individual person or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or the agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosing, copying, distributing or the taking of any action in reliance on the contents of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (call collect) and return the original message to us at the above address via the postal service. Thank you.